

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

AUG 20 2012

PATRICK E. DUFFY CLERK
BY Deputy Clerk

FRANCIS HORIEL, CROWN)
CREATIONS CABINETMAKERS, INC.,)

Plaintiffs,)

vs.)

BURLINGTON NORTHERN AND)
SANTA FE RAILWAY COMPANY, a)
foreign corporation f/k/a BURLINGTON)
NORTHERN, INC., and BURLINGTON)
NORTHERN RAILROAD COMPANY,)
a Delaware Corporation,)

Defendants.)

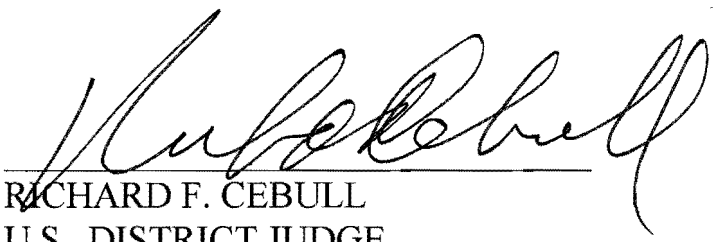
CV 08-135-BLG-RFC

ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS
(DOC. 63)

United States Magistrate Judge Carolyn Ostby recommends this Court deny Defendant's Motion to Dismiss (doc. 21) because Defendants failed to follow through with their representation that it would be withdrawn. Doc. 63. There being no objection to Judge Ostby's sound recommendation, her Findings and Recommendations are fully adopted by this Court.

Accordingly, **IT IS HEREBY ORDERED** Defendants' Motion to Dismiss (doc. 21) is **DENIED WITHOUT PREJUDICE**.

DATED this 20th day of August, 2012.



RICHARD F. CEBULL
U.S. DISTRICT JUDGE